

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3667

UNRECORDED



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION COMMISSION

2019 APR -2 PM 1:25

**SENSITIVE**

April 2, 2019

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP by MAH*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Ben Holly *BH*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2018 Year-End Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2018 Year-End Report in accordance with 52 U.S.C. § 30104(a). The Year-End Report was due on January 31, 2019.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

In order to determine the level of activity for unauthorized quarterly filers that filed a Year-End Report and were required to but failed to file the 30 Day Post-General Report, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every Year-End Report (YE) submitted by an unauthorized quarterly filer that covered the period from October 1, 2018 through December 31, 2018 (92 days) was reviewed for activity which would have required the filing of a 30 Day Post-General Report (30G). If our research indicated that a 30G was required, we utilized a three-step method to arrive at the activity on which to base the YE fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a YE that covered the period from November 27, 2018 through December 31, 2018 (35 days). Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 38.04% (35 days (correct YE Filing Period)/92 days (submitted YE Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the YE.

### **Recommendation**

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

4/2/2019 11:29 AM

Federal Election Commission  
Reason to Believe Circulation Report  
2018 YEAR-END Not Election Sensitive 01/31/2019 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3664	C00324780	AMERICAN ACADEMY OF EMERGENCY MEDICINE POLITICAL ACTION COMMITTEE AAEM PAC		WILLIAM T. DURKIN, JR.	\$120,046	0	2/6/2019	6	\$10,921	\$182
3685	C00658757	AMERICANS SUPPORTING VETERANS PAC		MARK SLY	\$695,765	0	3/29/2019	57 (Not Filed*)	\$119,609	\$6,541
3687	C00216184	ANESTHESIA SERVICE MEDICAL GROUP ADVOCACY FUND		C. APRIL BOLING	\$117,891	0	2/11/2019	11	\$3,423	\$101

4/2/2019 11:29 AM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
-----	--------------	----------------	----------------	-----------	-----------	----	--------------	-----------	-----	-------------

4/2/2019 11:29 AM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
-----	--------------	----------------	----------------	-----------	-----------	----	--------------	-----------	-----	-------------

- The committee filed their report more than thirty (30) days after the due date; therefore, the report is considered not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation - 2018 )  
Year-End Report for the Administrative )  
Fine Program: )

AMERICAN ACADEMY OF ) AF# 3664  
EMERGENCY MEDICINE POLITICAL )  
ACTION COMMITTEE AAEM PAC, and )  
DR. WILLIAM T DURKIN, JR as )  
treasurer; )  
AMERICANS SUPPORTING VETERANS ) AF# 3665  
PAC, and SLY, MARK as treasurer; )

ANESTHESIA SERVICE MEDICAL ) AF# 3667  
GROUP ADVOCACY FUND, and C )  
APRIL BOLING as treasurer; )

[illegible]

**TOP SECRET**



**Federal Election Commission  
Certification for Administrative Fines  
April 5, 2019**

Page 3

**TOP SECRET**

CERTIFICATION

I, Laura E. Sinram, Deputy Secretary of the Federal Election Commission, do hereby certify that on April 05, 2019 the Commission took the following actions on the Reason To Believe Recommendation - 2018 Year-End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated April 02, 2019, on the following committees:

AF#3664 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICAN ACADEMY OF EMERGENCY MEDICINE POLITICAL ACTION COMMITTEE AAEM PAC, and DR. WILLIAM T DURKIN, JR in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3665 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICANS SUPPORTING VETERANS PAC, and SLY, MARK in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3667 Decided by a vote of 4-0 to: (1) find reason to believe that ANESTHESIA SERVICE MEDICAL GROUP ADVOCACY FUND, and C APRIL BOLING in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

19092424004

**Federal Election Commission  
Certification for Administrative Fines  
April 5, 2019**

Page 7

100-27005

1982724006

1992724007





**TELEPHONE**

**TELEPHONE**

# CONFIDENTIAL

;

Attest:

4/5/19

Date

Laura E. Sinram

Laura E. Sinram

Deputy Secretary of the Commission

16002724011



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 8, 2019

C. April Boling, in official capacity as Treasurer  
Anesthesia Service Medical Group Advocacy Fund  
7185 Navajo Road, Suite P  
San Diego, CA 92119

C00216184  
AF#: 3667

Dear Ms. Boling:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period November 27, 2018 through December 31, 2018, shall be filed no later than January 31, 2019. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on February 11, 2019, 11 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On April 5, 2019, the FEC found that there is reason to believe ("RTB") that Anesthesia Service Medical Group Advocacy Fund and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before January 31, 2019. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$101. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <https://www.fec.gov/af/pay.shtml> 11 CFR § 111.34. Your payment of \$101 is due within forty (40) days of the finding, or by May 15, 2019, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$3,423  
Number of Days Late: 11  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 1050 First

Street, NE, Washington, DC 20002. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or May 15, 2019. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Anesthesia Service Medical Group Advocacy Fund and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

**4. Partial Payments**

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

**5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <https://www.fec.gov/af/pay.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,

*Ellen L. Weintraub*

Ellen L. Weintraub  
Chair

---

**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$101 for the 2018 Year-End Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

---

FOR: Anesthesia Service Medical Group Advocacy Fund

FEC ID#: C00216184

AF#: 3667

PAYMENT DUE DATE: May 15, 2019

PAYMENT AMOUNT DUE: \$101

C. April Boling, Treasurer  
Anesthesia Services Medical Group Advocacy Fund #C00216184  
7185 Navajo Road, Suite P  
San Diego, CA 92119

RECEIVED  
FEC MAIL CENTER  
2019 APR 29 AM 11:26

April 24, 2019

FEC's Office of Administrative Review  
1050 First Street, NE  
Washington, D.C. 20002

**RE: Anesthesia Services Medical Group Advocacy Fund #C00216184  
AF# 3667.**

This is a written response to your letter dated 4/08/19 regarding a late filing from Anesthesia Services Medical Group Advocacy Fund (#C00216184) AF# 3667.

The report was filed in a timely fashion. Attached is a copy of the federal express tracking receipt which shows the report was sent on January 16, 2019. It seems the report wasn't delivered timely due to the time frame of the Government shutdown.

If you have any questions, please call me at (619) 713-6888.

Sincerely,



C. April Boling, CPA  
Treasurer



**Holly Crowell**

**From:** Charley Herzfeld  
**Sent:** 01/22/2019 8:54 AM  
**To:** Holly Crowell  
**Subject:** FW: FedEx Shipment 774206899826 Delivery Exception

RECEIVED  
FED MAIL CENTER  
2019 APR 29 AM 11:26

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** TrackingUpdates@fedex.com <TrackingUpdates@fedex.com>  
**Sent:** 01/22/2019 6:42 AM  
**To:** Charley Herzfeld <cherzfeld@aprilboling.com>  
**Subject:** FedEx Shipment 774206899826 Delivery Exception

**We were unable to complete delivery of your package**

See "Resolving Delivery Issues" for recommended actions

See "Preparing for Delivery" for helpful tips

Tracking # 774206899826

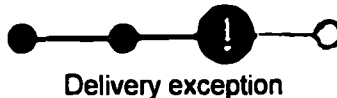
Ship date:  
Wed, 1/16/2019

CHARLES HERZFELD  
BOLING AND BOLING  
SAN DIEGO, CA 92119  
US

Scheduled delivery:  
Wed, 1/23/2019 by  
10:30 am

Estimated between:  
10:25 am - 5:55 pm

FEDERAL ELECTION  
COMMISSION  
FEDERAL ELECTION  
COMMISSION  
1050 1ST ST NE  
WASHINGTON, DC 20002  
US



**FedEx**

### Shipment Facts

FedEx attempted, but was unable to complete delivery of the following shipment:

**Tracking number:** 774206899826  
**Status:** Delivery exception  
**Reference:** ASMG Federal 3X3

Service type: FedEx Express Saver®  
Packaging type: FedEx® Envelope  
Number of pieces: 1  
Weight: 0.50 lb.  
Special handling/Services: Deliver Weekday  
Standard transit: 1/22/2019 by 8:00 pm

## Resolving Delivery Issues

The reason delivery was not completed is outlined below. Where applicable, resolution recommendations are also provided.

Exception Reason	Recommended Action
------------------	--------------------

- |  |   |
|--|---|
| 1. Customer not Available or Business Closed | Door tag will provide the time and address of the FedEx location where you may pick up your shipment, and also indicate if another delivery attempt will be made. |
|--|---|

## Preparing for Delivery

To help ensure successful delivery of your shipment, please review the below.

### Won't be in?

You may be able to hold your delivery at a convenient FedEx World Service Center or FedEx Office location for pick up. Track your shipment to determine Hold at FedEx location availability.

☒ Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 8:41 AM CST on 01/22/2019.

All weights are estimated.

The shipment is scheduled for delivery on or before the scheduled delivery displayed above. FedEx does not determine money-back guarantee or delay claim requests based on the scheduled delivery. The "estimated between" time range is based on historical data of prior deliveries in the same delivery area for the same service type. Actual delivery time may vary based on current conditions such as weather, traffic, routing and other considerations. The "estimated between" time range is provided for the recipient's convenience and FedEx does not determine money-back guarantee or delay claim requests based on the "estimated between" time range. Please see the FedEx Service Guide for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx customer support representative.

To track the latest status of your shipment, click on the tracking number above.

Standard transit is the date and time the package is scheduled to be delivered by, based on the selected service, destination and ship date. Limitations and exceptions may apply. Please see the FedEx Service Guide for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx Customer Support representative.

© 2019 Federal Express Corporation. The content of this message is protected by copyright and trademark laws under U.S. and international law. Review our [privacy policy](#). All rights reserved.

Thank you for your business.



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 12, 2019

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 3667 – Anesthesia Service Medical Group Advocacy Fund and C: April Boling, in her official capacity as Treasurer (C00216184)

**Summary of Recommendation**

Terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

**Reason-to-Believe Background**

The 2018 Year-End Report was due on January 31, 2019. The Commission received the report on February 11, 2019, 11 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On April 5, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Year-End Report and made a preliminary determination that the civil money penalty was \$101 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on April 8, 2019 to notify them of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a political committee not authorized by a candidate which is filing on a quarterly basis shall file a report for the final calendar quarter of the year by January 31 of the following calendar year. 52 U.S.C. § 30104(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i). Reports sent by first class mail must be received by the close of business on the filing date to be timely filed. If the report is sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, it must be postmarked, or deposited with the mailing service, no later than the filing date to be timely filed. 52 U.S.C. § 30104(a)(5), and 11 C.F.R. §§ 100.19 and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

### **Summary of Respondents' Challenge**

On April 29, 2019, the Commission received the written response ("challenge") from the respondents. They explain that the partial government shutdown prevented FedEx from timely delivering their 2018 Year-End Report. The respondents state that they shipped the report via FedEx on January 16, 2019. The challenge includes supporting FedEx tracking information.

### **Analysis**

The Reviewing Officer confirms that the Commission was unable to accept FedEx deliveries during the partial government shutdown of December 22, 2018 through January 25, 2019. The supporting documentation provided by the respondents indicates the 2018 Year-End Report was scheduled to be delivered to the Commission by January 23, 2019. The Reviewing Officer recognizes that the Committee's 2018 Year-End Report would have been received prior to the January 31, 2019 deadline had the partial government shutdown not occurred. Therefore, the Reviewing Officer recommends that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

### **OAR Recommendations**

- 1) Terminate the proceedings in AF# 3667 that Anesthesia Service Medical Group Advocacy Fund and C. April Boling, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file; and
- 2) Send the appropriate letter.

### **Attachments**

Attachment 1 –  
Attachment 2 – Declaration from RAD  
Attachment 3 – Declaration from OAR

**DECLARATION OF KRISTIN D. ROSER**

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Anesthesia Service Medical Group Advocacy Fund:
  - A) Reason-to-Believe Letter, dated April 8, 2019, referencing the 2018 Year-End Report (sent via overnight mail to the address of record).
4. I hereby certify that I have searched the Commission's public records and find that Anesthesia Service Medical Group Advocacy Fund filed a 2018 Year-End Report with the Commission on February 11, 2019.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 29<sup>th</sup> day of May, 2019.

*Ben Holly for KDR*  
Kristin D. Roser  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission

### DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A committee not authorized by a candidate shall file a quarterly report covering the final quarter of the calendar year no later than January 31 of the following calendar year. If the report is sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, it must be postmarked, or deposited with the mailing service, no later than January 31, 2019 to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - a) Cover Page, Summary Page, and Detailed Summary Pages of the 2018 Year-End Report filed by Anesthesia Service Medical Group Advocacy Fund and C. April Boling, in her official capacity as Treasurer, and received on February 11, 2019.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 12<sup>th</sup> day of June, 2019.

Rhiannon Magruder

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

FEC  
FORM 3XREPORT OF RECEIPTS  
AND DISBURSEMENTS  
For Other Than An Authorized CommitteeRECEIVED  
FEC MAIL CENTER2019 FEB 11 AM 10:55  
Office Use Only1. NAME OF  
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type  
over the lines.

12FE4M5

Anesthesia Service Medical Group Advocacy Fund - Federal

ADDRESS (number and street)

7185 Navajo Road, Suite P

Check if different  
than previously  
reported. (ACC)

San Diego

CA

92119

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C C00216184

3. IS THIS  
REPORTNEW  
(N)

OR

AMENDED  
(A)4. TYPE OF REPORT  
(Choose One)

(a) Quarterly Reports:

- ☐ April 15  
Quarterly Report (Q1)
- ☐ July 15  
Quarterly Report (Q2)
- ☐ October 15  
Quarterly Report (Q3)
- ☒ January 31  
Year-End Report (YE)
- ☐ July 31 Mid-Year  
Report (Non-election  
Year Only) (MY)
- ☐ Termination Report  
(TER)

(b) Monthly  
Report  
Due On:

- ☐ Feb 20 (M2) ☐ May 20 (M5) ☐ Aug 20 (M8) ☐ Nov 20 (M11)  
(Non-Election  
Year Only)
- ☐ Mar 20 (M3) ☐ Jun 20 (M6) ☐ Sep 20 (M9) ☐ Dec 20 (M12)  
(Non-Election  
Year Only)
- ☐ Apr 20 (M4) ☐ Jul 20 (M7) ☐ Oct 20 (M10) ☐ Jan 31 (YE)

- (c) 12-Day ☐ Primary (12P) ☐ General (12G) ☐ Runoff (12R)
- PRE-Election ☐ Convention (12C) ☐ Special (12S)
- Report for the:

Election on

M M M / D D D / Y Y Y Y Y Y

in the  
State of

- (d) 30-Day ☐ General (30G) ☐ Runoff (30R) ☐ Special (30S)
- POST-Election ☐
- Report for the:

Election on

M M M / D D D / Y Y Y Y Y Y

in the  
State of

5. Covering Period

M M M / D D D / Y Y Y Y Y Y  
11 / 27 / 2018

through

M M M / D D D / Y Y Y Y Y Y  
12 / 31 / 2018I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.  
Boling, CPA, C. April, . . .

Type or Print Name of Treasurer

Signature of Treasurer

Date

M M M / D D D / Y Y Y Y Y Y  
01 / 11 / 2019

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. § 30109.

Office  
Use  
OnlyFEC FORM 3X  
Rev. 05/2016

**SUMMARY PAGE  
OF RECEIPTS AND DISBURSEMENTS**

FEC Form 3X (Rev. 05/2016)

Page 2

Write or Type Committee Name

Anesthesia Service Medical Group Advocacy Fund - Federal

Report Covering the Period:

From:

11 / 27 / 2018

To:

12 / 31 / 2018

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 2018		10815.40
(b) Cash on Hand at Beginning of Reporting Period.....	16140.01	
(c) Total Receipts (from Line 19) .....	0.00	33155.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B).....	16140.01	43970.40
7. Total Disbursements (from Line 31).....	3423.59	31253.98
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)).....	12716.42	12716.42
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) .....	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) .....	0.00	



This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

**For further information contact:**

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100



# **DETAILED SUMMARY PAGE** of Receipts

FEC Form 3X (Rev. 05/2016)

Page 3

Write or Type Committee Name

**Anesthesia Service Medical Group Advocacy Fund - Federal**

Report Covering the Period:

From:

MM / DD / YYYY  
11 / 27 / 2018

To:

MM / DD / YYYY  
12 / 31 / 2018

## **I. Receipts**

**COLUMN A**  
Total This Period

**COLUMN B**  
Calendar Year-to-Date

### 11. Contributions (other than loans) From:

(a) Individuals/Persons Other  
Than Political Committees

(i) Itemized (use Schedule A).....

0.00

9550.00

(ii) Unitemized.....

0.00

23605.00

(iii) TOTAL (add

Lines 11(a)(i) and (ii).....▶

0.00

33155.00

(b) Political Party Committees.....

0.00

0.00

(c) Other Political Committees

(such as PACs).....

0.00

0.00

(d) Total Contributions (add Lines

11(a)(iii), (b), and (c)) (Carry

Totals to Line 33, page 5).....▶

0.00

33155.00

### 12. Transfers From Affiliated/Other

Party Committees.....

0.00

0.00

### 13. All Loans Received.....

0.00

0.00

### 14. Loan Repayments Received.....

0.00

0.00

### 15. Offsets To Operating Expenditures

(Refunds, Rebates, etc.)

(Carry Totals to Line 37, page 5).....

0.00

0.00

### 16. Refunds of Contributions Made

to Federal Candidates and Other

Political Committees.....

0.00

0.00

### 17. Other Federal Receipts

(Dividends, Interest, etc.).....

0.00

0.00

### 18. Transfers from Non-Federal and Levin Funds

(a) Non-Federal Account

(from Schedule H3).....

0.00

0.00

(b) Levin Funds (from Schedule H5).....

0.00

0.00

(c) Total Transfers (add 18(a) and 18(b))..

0.00

0.00

### 19. Total Receipts (add Lines 11(d),

12, 13, 14, 15, 16, 17, and 18(c)).....▶

0.00

33155.00

### 20. Total Federal Receipts

(subtract Line 18(c) from Line 19).....▶

0.00

33155.00

NOT FOR DISTRIBUTION

## Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share .....	0.00	0.00
(ii) Non-Federal Share.....	0.00	0.00
(b) Other Federal Operating Expenditures .....	423.59	1853.98
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b)) .....	423.59	1853.98
22. Transfers to Affiliated/Other Party Committees.....	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	3000.00	29400.00
24. Independent Expenditures (use Schedule E) .....	0.00	0.00
25. Coordinated Party Expenditures (52 U.S.C. § 30116(d)) (use Schedule F).....	0.00	0.00
26. Loan Repayments Made.....	0.00	0.00
27. Loans Made.....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees .....	0.00	0.00
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c)).....	0.00	0.00
29. Other Disbursements (Including Non-Federal Donations).....	0.00	0.00
30. Federal Election Activity (52 U.S.C. § 30101(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share .....	0.00	0.00
(ii) "Levin" Share.....	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds .....	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b)) .....	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c))..	3423.59	31253.98
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	3423.59	31253.98

# **DETAILED SUMMARY PAGE** of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 5

## **III. Net Contributions/ Operating Expenditures**

### **COLUMN A Total This Period**

### **COLUMN B Calendar Year-to-Date**

33. Total Contributions (other than loans) (from Line 11(d), page 3) .....	0.00	33155.00
34. Total Contribution Refunds (from Line 28(d)) .....	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33) .....	0.00	33155.00
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b)) .....	423.59	1853.98
37. Offsets to Operating Expenditures (from Line 15, page 3) .....	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36) .....	423.59	1853.98

NOT FOR FILING  
DISBURSEMENTS



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 12, 2019

C. April Boling, in official capacity as Treasurer  
Anesthesia Service Medical Group Advocacy Fund  
7185 Navajo Road, Suite P  
San Diego, CA 92119

C00216184  
AF#: 3667

Dear Ms. Boling:

On April 5, 2019, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Anesthesia Service Medical Group Advocacy Fund and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Year-End Report. The Commission also made a preliminary determination that the civil money penalty was \$101 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 1050 First Street, NE, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2019 JUL -2 AM 9:41

July 2, 2019

MEMORANDUM

**SENSITIVE**

To: The Commission

Through: Alec Palmer  
Staff Director *AP by MATH*

From: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Rhiannon Magruder *RM*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3667 – Anesthesia Service Medical Group Advocacy Fund and C. April Boling, in her official capacity as Treasurer (C00216184)

On April 5, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Year-End Report and made a preliminary determination that the civil money penalty was \$101 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 15, 2019, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated June 12, 2019 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). To date, a response has not been received.

- 1) Terminate the proceedings in AF# 3667 that Anesthesia Service Medical Group Advocacy Fund and C. April Boling, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file; and
- 2) Send the appropriate letter.

- 1) Terminate the proceedings in AF# 3667 that Anesthesia Service Medical Group Advocacy Fund and C. April Boling, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file; and
- 2) Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3667  
Final Determination Recommendation: )  
Anesthesia Service Medical Group )  
Advocacy Fund and C. April Boling, in )  
her official capacity as Treasurer )  
(C00216184) )

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on July 17, 2019, the Commission decided by a vote of 4-0 to take the following actions in AF 3667:

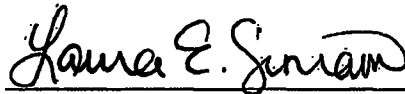
1. Terminate the proceedings in AF# 3667 that Anesthesia Service Medical Group Advocacy Fund and C. April Boling, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file.
2. Send the appropriate letter.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

7/17/19

Date



Laura E. Sinram  
Acting Secretary and Clerk of the  
Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 23, 2019

C. April Boling, in official capacity as Treasurer  
Anesthesia Service Medical Group Advocacy Fund  
7185 Navajo Road, Suite P  
San Diego, CA 92119

C00216184  
AF#: 3667

Dear Ms. Boling:

On April 5, 2019, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Anesthesia Service Medical Group Advocacy Fund and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2018 Year-End Report. By letter dated April 8, 2019, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$101 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 29, 2019, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file. The Reviewing Officer Recommendation was sent to you on June 12, 2019.

On July 17, 2019, the Commission adopted the Reviewing Officer's recommendation, and voted to terminate the proceedings with respect to 52 U.S.C. § 30104(a) and close the file. A copy of the Final Determination Recommendation is attached.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.



# WANNATION

Ellen L. Weintraub

**Attachment**

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3667

1-800-275-2701